MINUTES CITY OF CANANDAIGUA ZONING BOARD OF APPEALS February 20, 2019

PRESENT: Ryan Akin Julie Harris

Joseph Bader Carol Henshaw

James Davern

ABSENT: Susan Haller

James Hitchcock

ALSO PRESENT: Richard E. Brown, Zoning Officer

CALL TO ORDER:

Chairman Akin called to order the regular meeting of the Zoning Board of Appeals at 7:05 P.M.

APPROVAL OF MINUTES:

Chairman Akin asked if anyone had any corrections or additions to the Regular Meeting Minutes of October 17, 2018. (There were no meetings in November, December, or January.) Mr. Bader moved to approve the minutes as written. Ms. Henshaw seconded the motion, which carried by unanimous voice vote (5-0)

REVIEW OF APPLICATIONS:

Application #19-015: 170 North Pearl, PHILLIP AND RENEE WILLIAMS, requesting an <u>Area Variance</u> necessary to construct an attached garage within 1 foot of the side yard property line. In accordance with Schedule 1 of the Zoning Ordinance of the City of Canandaigua, the minimum side yard setback is 8 feet.

Richard Krapf, the project architect, represented the application. With him was Renee Williams. Mr. Krapf said the existing garage was more than 70 years and the homeowner preferred to build a new, attached garage. The proposal would maintain the current setback of 1 foot, but be moved forward on the site to connect with the home. He said that he understood that due to the limited setback, the exterior wall of the garage would need to be fire-rated.

Chair Akin opened the public hearing. No one was present.

Mr. Brown read into the record a letter of support from the neighbor.

Chair Akin closed the Public Hearing.

ZONING BOARD OF APPEALS City of Canandaigua

Chairman Akin reminded the board to keep in mind that this is a request for an Area Variance and the board will be weighing the benefit of the variance to the applicant against the detriment of the variance to the neighborhood.

Beginning with question #1: Show that the granting of the variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

Mr. Bader said he didn't think there would be a change of character. The garage would be similar to the existing one, but only closer.

Regarding question #2: Show that the benefit sought by the applicant cannot be achieved by some other feasible method that would not require a variance.

Ms. Harris noted that they could not add on to the existing garage due to its condition.

Chair Akin noted that a conforming garage at this location would only be 12 feet wide.

Mr. Bader said that even if the "L" link were removed, a two-car garage would require a variance.

Mr. Bader asked if they could demolish the existing garage and rebuild on the footprint without a variance. Mr. Brown said that a variance would be required if reconstruction exceeded 50% of the value of the structure.

Regarding question #3: Show that the requested variance is not substantial.

Mr. Bader said that dimensionally the request is substantial, but the overall impact to the site is not substantial.

Chair Akin agreed, noting that the requested setback was the same as the existing garage.

Regarding question #4: Show that the proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood.

Mr. Bader noted that there was no impact to the impervious cover. Actually, it is less because the garage is to be built on pavement and the footprint of the existing garage will be restored with grass.

Mr. Davern asked what the garage would look like. Mr. Krapf said that it would be similar to the existing garage, but with details from the home. It would be a single story, end-gabled garage with horizontal siding, colored to match the house.

ZONING BOARD OF APPEALS City of Canandaigua

Regarding question #5: Show that the alleged hardship is not self-created.

Mr. Bader said that the hardship is self-created. Ms. Henshaw agreed.

Chairman Akin asked if there were any other comments or questions. Hearing none, he called for a motion.

Mr. Bader moved for <u>approval</u> of the application, finding that the benefit of the variance to the applicant outweighs the detriment of the variance to the neighborhood. He made this motion stating the following reasons;

- #1. The granting of the variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
- #2. The benefit sought by the applicant cannot be achieved by some other feasible method that would not require a variance.
- #4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood.

Ms. Henshaw seconded the motion, which *carried* with a roll call vote of (5-0):

Joseph Bader	Voting	YES
James Davern	Voting	YES
Julie Harris	Voting	YES
Carol Henshaw	Voting	YES
Susan Haller	Absent	
James Hitchcock	Absent	
Ryan Akin	Voting	YES

ADJOURNMENT:

Mr. Bader moved	l to adjourn th	he meeting at	7:35 PM.,	seconded	by Mr.	Davern a	and	carried	with
a unanimous voic	e vote (5-0).								

Richard E. Brown, Secretary	Ryan Akin, Chairman